

**REMARKS:**

Claims 1 to 21 have been cancelled and replaced by new Claims 22 to 37. Thus the claims to the apparatus, which were Claims 1 to 19, previously elected are now cancelled and the Applicant has selected for examination claims directed to the method of forming a support column including particularly independent Claim 22.

The method set forth in Claim 22 now clearly includes the following features or steps of the method:

- a) Locating the form with one end panel uppermost at a surface to be supported and with the opposite end panel resting on a floor surface.
- b) Pouring into the form a heated settable filler material.
- c) Causing the filler material to set while contained by the form and thus supporting the surface to be supported by transferring loads to the floor surface.

Thus these features are positively stated in the claim as specific features of the claim.

Bradley clearly does not disclose these features nor in any way suggests that these features could be used or are possible. Bradley relates to a geotextile container which is intended to be located on the ground surface lying flat at a point of

erosion in a body of water. Thus the arrangement of Bradley is used in an orientation at right angles and certainly Bradley does not provide the step of physically supporting a surface from a floor surface.

The Examiner in regard to the previous claims stated at the bottom of page 2 that "Bradley discloses a form for receiving and containing a settable filler material while the material sets." In the sense that the form of Bradley could be used in such a way, this statement is correct. However Bradley certainly does not disclose that the form should be used in this manner and certainly does not disclose the positive steps now recited in Claim 22.

To the contrary the arrangement of Bradley provides a long relative unstructured sausage-type construction with certainly no suggestion that it could be located on an end standing upright.

In regard to the structure of the bag, the Examiner cited Nattrass and Marino. These prior art patents disclose bulk container bags.

However neither of these references discloses the above features a) through c) since these references disclose merely bags which contain a bulk material for transportation which is then discharged after the transportation is complete.

It is clear therefore that none of the references cited discloses the above features a) through c).

It is well established in MPEP that in order to present a prima facie case of obviousness, each and every one of the features of the claim must be found in one or other of the references. Clearly none of the references cited discloses the above three features. Therefore the rejection by the Examiner in relation to the apparatus claims

previously examined does NOT establish a prima facie case of obviousness in regard to method Claim 22 and the previous rejection against the apparatus claims is no longer applicable to the method claim.

While the arrangements of Nattrass and Marino provide a bag which supports a bulk material so that the material stands upwardly from a floor surface, there is no disclosure nor suggestion in either of these references that the material contained may be a settable material or that the material be heated and that the material be contained while it is setting in such a manner than when set it acts to support the surface to be supported. These features are simply not disclosed in Marino nor in Nattrass.

Yet further, it is pointed out to the Examiner that the field in which the present invention is concerned is that of providing a support for a surface to be supported by creating a column. It is submitted therefore that the prior art of Bradley, Nattrass and Marino only becomes of any relevance with the application of hindsight. Only when the present invention is created which combines the elements now set forth in Claim 22 is it realized that there is some similarity to the constructions of the prior art documents cited by the Examiner. Without the combination having been created by the inventors, these prior art documents are completely irrelevant to the field concerned.

It is submitted therefore that these patents do not constitute analogous art and therefore a rejection of the method claim under 35 U.S.C. 103 based upon these prior art documents should not be sustained.

FROM

(THU) APR 6 2006 11:46/ST. 11:43/NO. 6310677265 P 13

8

Further and favourable reconsideration of this application is respectfully requested.

Respectfully submitted

EDWARD J. CAVENAGH

PER:

Adrian D. Battison

Registration No: 31,726

ADB/II

April 6, 2006

Enc.(4)

Adrian D. Battison

Winnipeg, Manitoba, Canada

Telephone (204) 944-0032 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300, on April 6, 2006

LYNN LEATHERDALE

Lynn Leatherdale